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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 CALVIN ROUSE (AKA) ADUR RASHID
12 KHALIF,

13 Plaintiff,

14 v.

15 DEPARTMENT OF CORRECTIONS *et al.*,

16 Defendants.

CASE NO. C08-5620FDB/JRC

ORDER DENYING AN
EXTENSION OF THE
DISCOVERY DEADLINE

17 This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge
18 pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates Judges' Rules
19 MJR 1, MJR 3, and MJR 4. The matter is before the court on plaintiff's motion asking for an
20 extension of the discovery deadline (Dkt. # 51). Defendant Vail opposes the motion (Dkt.
21 # 52). After review of the file the court declines to extend discovery in this case and the motion
22 is DENIED as explained below.
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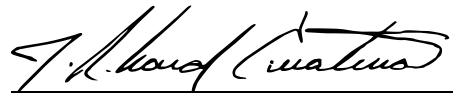
24 This action has been pending for over a year. Plaintiff fails to show that an extension of
25 the discovery deadline is warranted. While plaintiff complains regarding the answers and
26 objections to discovery, the response to the motion shows that he has not contacted opposing

1 counsel regarding the answers and objections he has received. A meeting between counsel and
2 plaintiff is mandated by this court's local rules prior to a motion to compel being filed. Local
3 Rule 37(a)(1)(a). Thus, plaintiff's complaint regarding the answers and objections he has
4 received is not properly before the court. Neither party places before the court the discovery that
5 has been propounded nor the answers and objections to that discovery for the court to review.
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7 Plaintiff's argument regarding the law library not being open is without merit. The
8 library has been open for 17 days in October, 16 days in November, and will be open 21 days in
9 December (Dkt. # 51, Exhibits and Dkt. # 52).

10 A trial court has broad discretion regarding pre trial matters such as discovery. United
11 States v. Kitsap Physicians Service, 314 F.3d 995 (9th Cir. 2002). The standard of review for
12 any decision made by the trial court is abuse of discretion. Id. Here, plaintiff has failed to show
13 an extension of the discovery deadline is warranted. The motion is DENIED.
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15 DATED this 15th day of December, 2009.

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18 J. RICHARD CREATURA
19 UNITED STATES MAGISTRATE JUDGE
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